

**CITY OF WOBURN  
SEPTEMBER 26, 2006 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:**

A communication dated September 5, 2006 was received from His Honor the Mayor as follows:

Re: 29<sup>th</sup> Annual Mayor's Senior Appreciation Day Dinner

Dear President Doherty and Members of the City Council:

On Sunday, November 5, 2006, the 29<sup>th</sup> consecutive Mayor's Senior Appreciation Day Dinner will be held at Woburn Memorial High School at 12:00 noon. It is my pleasure to continue this tradition that attracts approximately 700 of Woburn's Senior Citizens each year.

As part of that tradition, I would like to invite all members to participate in the dinner by serving our seniors.

I look forward to seeing you there.

Sincerely, s/Thomas L. McLaughlin, Mayor

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ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXXVII, Section 2-177 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting from the first sentence in Paragraph A the words "or simply 'Woburn',".

2. By adding to the first sentence in Paragraph A after the words “and shall include” and before the words “the department to which” the words “the city seal and”.
3. By deleting the second sentence in Paragraph A in its entirety.
4. By deleting from the third sentence in Paragraph A the words “two-and-one-half inches” and inserting in its place the words “three inches”.
5. By deleting the fourth sentence in Paragraph A in its entirety.
6. By deleting the fifth sentence in Paragraph A in its entirety.
7. By deleting the sixth sentence in Paragraph A in its entirety and inserting in its place the following: “A list of all vehicles, including license plate numbers that are used for unmarked purposes shall be provided to the Mayor and City Council by the police and fire chiefs. A list of police vehicles used primarily for undercover or surveillance purposes shall be kept on file in the office of the Chief of Police and should not be disclosed without the explicit approval of the Chief of Police.”
8. By deleting the seventh sentence in Paragraph A in its entirety.
9. By deleting Paragraph B in its entirety and inserting in its place the following: “B. When newly purchased vehicles are put into service, excluding those of the police and fire departments and department heads, they shall be painted orange. All marked police vehicles shall be ordered, lettered and painted the same color scheme as determined by the Chief of Police upon approval of the mayor. All unmarked and undercover police vehicles shall be ordered and painted or repainted as determined by the Chief of Police. Undercover, Unmarked and Surveillance Police vehicles are not required to be lettered. All fire vehicles shall be lettered in accordance with Paragraph A and shall be painted red, or red and white. All other vehicles assigned to department heads shall be painted white and shall be lettered in accordance with Paragraph A.
10. By adding a sixth sentence to Paragraph C as follows: “The mayor may, during an emergency or any other unusual event as the mayor determines, temporarily authorize certain city employees to retain their assigned city vehicles at all times to facilitate their response or recall to the emergency or other unusual event. The mayor will notify the city council in writing, within 24 hours, when he/she exercises this discretion.”

s/Alderman \_\_\_\_\_

## **PUBLIC HEARINGS:**

On the petition by Boston Edison Company and Verizon New England, Inc. for a grant of right in a way to install three joint occupancy poles and remove three joint occupancy

poles on the northerly side of Mishawum Road approximately 470 feet west of Commerce Way (P30/13, 30/14, 3015) and to install an anchor guy on the northerly side of Mishawum Road approximately 470 feet west of Commerce Way (P30/12). PUBLIC HEARING OPENED. A communication was received from Frederick Russell, Superintendent of Public Works as follows: "Approved".

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On the petition by HPH Realty, LLC, 9 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b and Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, so as to allow for the parking of commercial vehicles on the property at 3 Oakland Street and the abutting lot identified on Assessors Maps 9-6-2 and 9-6-1. PUBLIC HEARING OPENED. A communication dated September 11, 2006 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – HPH Realty, LLC

Ladies and Gentlemen:

Please consider this as a request by the Petitioner to continue the Public Hearing scheduled for September 26, 2006, to the meeting of October 17, 2006 or the meeting following, as additional time will be necessary to clarify the plans for Planning Board review.

Thank you for your consideration.

Sincerely, s/John D. McElhiney

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On the petition by Lytron, Incorporated, 55 Dragon Court, Woburn, Massachusetts 01801 for a special permit pursuant to Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for accessory parking and access from the private way known as Derry Lane for the benefit of petitioner's building at 41 Dragon Court on the lot known and numbered as 41A-41B Dragon Court. PUBLIC HEARING OPENED. A communication dated September 11, 2006 was received from Attorney Malcolm H. Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In re: Lytron Incorporated – 41A-41B Dragon Court

Dear Mr. Campbell:

A conclusion reached in several recent discussions with City Planner Ed Tarallo, is that the Special Permit for Lytron, Inc., concerning the above property represented a development plan that was not fully formulated at the time of filing. Several versions of proposed plans have been prepared and revised, in process, as discussed with Mr. Tarallo on several occasions.

The most recent revision of the proposed plan now eliminates formal access over the unbuilt way known as Derry Lane: -- as one portion of the original proposal that was the most difficult, if not impossible, to resolve. Based upon a most recent meeting and with more fully and completely revised engineering plans in the offing, the petitioner has concluded that a proper and foundational next step is to address the zoning relief required in order for any proposal for the intended use of this parcel to meet with success.

Specifically, there must be a resolution of those restrictions contained in a May 1982 ZBA Decision. Since, without a current resolution of the Zoning Relief any Special Permit Granting Authority action upon this petition is premature, Lytron, Inc. is now requesting the City Council for leave to withdraw its petition in this case, without prejudice.

Once the zoning has been resolved, and if favorably, then this petitioner will be in a position to file a new petition for Special Permit. Any new and subsequent petition, with a corresponding final and complete plan, will be free of those more difficult features that have both confused and encumbered the present petition.

Thank you in advance for your help in this matter. If you require any additional information, or have any questions, please feel free to contact me.

Very truly yours, s/Malcolm H. Houck

A communication dated September 22, 2006 was received from Edmund P. Tarallo, Planning Director, as follows:

Re: Lytron, Incorporated – 41A – 41B Dragon Court – Special Permit for accessory parking and access from Private Way, Derry Lane

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 12, 2006, the Board voted to support the petitioner's request to withdraw the above referenced matter without prejudice.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by ten taxpayers and citizens of the City of Woburn for the acceptance of the entire length of Presidential Way in Woburn, Massachusetts as more accurately depicted on Definitive Subdivision Plan Dundee Park I – Modification in Woburn, MA prepared for National Development of New England with a date of April 28, 2003 Sheets 1 through 6, prepared by Hancock Survey Associates, Inc. and recorded at the

Commonwealth of Massachusetts South District Registry of Deeds, Cambridge,  
Massachusetts Plan #33 of 2004. PUBLIC HEARING OPENED.

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On the petition by Burlington Massachusetts Department of Public Works, Town Hall Annex, 25 Center Street, Burlington, Massachusetts 01803 for a special permit to construct improvements to the Burlington Mill Pond Water Treatment Facility including improvements to existing water treatment process systems and the existing building interior, a building addition to house administrative and maintenance functions, the relocation of a 48 inch storm drain, relocation of access and parking areas and addition of storm water retention systems at 62 Winter Street. PUBLIC HEARING OPENED.. A communication dated September 22, 2006 was received from Edmund P. Tarallo, Director, Woburn Planning Board as follows:

Re: Town of Burlington Department of Public Works – 62 Winter Street – To construct an addition to Burlington’s Mill Pond Water Treatment Facility

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 12, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to construct an addition to Burlington’s Mill Pond Water Treatment Facility subject to the following conditions:

1. The petitioner shall dredge the silt deposits at the 48 in. and two-24 in. drain outlets and stream bed prior to start-up of the new facilities and the drain lines shall be cleaned and maintained at least once a year.
2. That the spill containment curbing provided in the storage and feed areas shall be designed to contain 110% of the storage tank volume.
3. That “No Parking After Dark” signs shall be posted at the reservoir gate.
4. That the drainage system and maintenance plan shall be approved by the City Engineer.
5. That the Planning Board shall approve a landscaping plan for the site and shall retain jurisdiction over the landscaping.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by Alderman Richard Gately to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By amending in Section 2 Definitions, the definition “LEGAL STREET FRONTAGE” by deleting the word “LEGAL” and by further amending said definition by striking the last sentence which states “On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise

specified by deed restriction.” And by further amending Section 2, the definition of “LOT LINE, FRONT” by striking the last sentence which states “On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.” And by further amending in Section 5 Use Regulations, by deleting in Section 5.2.4.6 the word “legal” in the first sentence. And by further amending in Section 6 Dimensional Regulations, Section 6.1 Table of Dimensional Regulations by adding under the column title “Front Yard Setback”, “Side Yard Setback” and “Rear Yard Setback” the following “(Note 9)”. And by further amending Said Section 6, by adding at the end of the Footnotes to 6.1 Table of Dimensional Regulations the following “9. The definition of lot line, front; lot line, rear; and lot line, side as stated in Section 2 shall be used to calculate the front yard setback, side yard setback, and rear yard setback.”

PUBLIC HEARING OPENED.

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## **COMMITTEE REPORTS:**

### **FINANCE:**

On the Order to transfer the sum of \$250,000.00 from Receipts Reserved for Appropriation Ambulance to Ambulance Salary Account and Ambulance Maintenance Account, committee report was received “ought to pass”.

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### **SPECIAL PERMITS:**

On the request by Donald Hasty to amend the special permit granted October 18, 2005 for the property located at 45 Commerce Way, committee report was “that the request be denied.”

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## **CITIZEN’S PARTICIPATION:**

A request for citizen’s participation was received from Nicholas Rallo relative to manning an emergency shelter for the city of Woburn.

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## **NEW PETITIONS:**

Petition by Joseph A. Pecora, Pecora Contracting Co., Inc., 25 Murray Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Municipal Code, as amended, for accessory outside parking of commercial motor vehicle’s or contractor’s equipment in conjunction with the petitioner’s contracting business and office in Unit #6 at 5 Crescent Avenue.

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Petition by Richard Lichoulas, 5 Tory Row, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.15 and Section 11 of the 1985 Woburn Zoning Code, as amended, in order to construct an accessory detached garage at 5 Tory Row.

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Petition by Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., c/o Brian S. Grossman, Esq., Prince Lobel Glovsky and Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 for a special permit to install and operate a wireless communications link consisting of three (3) wireless communications antenna flush-mounted to an existing Boston Edison Company wood utility transmission structure #14 with the accessory radio equipment placed in an area adjacent to the structure within a fenced compound at 145 Lexington Street.

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## **COMMUNICATIONS AND REPORTS:**

A communication dated September 15, 2006 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending August 2006: number of tickets issued 1,262, number of tickets paid 1,158, number of hearings scheduled 621, number of tickets voided or dismissed 134, number of tickets outstanding 287, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$50,422.00. There exists a backlog of 4,805 tickets for 1982 through 2005. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$11,100.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

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A copy of a communication to the Appeals Court, One Pemberton Square, Suite 1200, Boston, Massachusetts 02108-1705 was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. along with a copy of a Defendants-Appellants' Motion for Waiver of Additional Filing Fees in the matter of Gibbs Oil Company Limited Partnership v. Scott Galvin, et. al.

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A communication dated September 11, 2006 was received from Attorney Lauren F. Goldberg, Kopleman and Paige, P.C. relative to recent legislation applicable to local adjudicatory hearings.

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A communication dated August 29, 2006 was received from Robert McNabb, Executive Director, Woburn Housing Authority relative to the interest of the Woburn Housing

Authority in working with the City Council concerning the future development of the former Tarky School site and to explore the best methods to provide additional affordable housing facilities that may assist a cross-section of the City of Woburn's elderly population at the location.

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A communication dated August 21, 2006 was received from Andrew Creen Chief Appraiser, Woburn Board of Assessors relative to Chapter 260 of the Acts of 2006 An Act Establishing the Massachusetts Military Enhanced Relief Individual Tax (Merit) Plan.

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A communication dated September 7, 2006 was received from Attorney Kathleen M. O'Donnell and Attorney Laura H. Pawle, Kopleman and Paige, P.C. relative to municipal affordable housing trust funds.

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A communication dated September 25, 2006 with attachments was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 relative to the petition of Gibbs Oil Company Limited Partnership, 107 Winn Street, Woburn, Massachusetts for a special permit which was denied by the City Council and pending appeal of that decision.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 3, Article V, Section 3-25 Senior Citizen Property Work-Off Program of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting Paragraph E in its entirety and inserting in its place the following:

E. Abatement Guidelines

1. The hourly rate for services cannot exceed the state's minimum wage or be lower than the federal minimum wage. Therefore, the rate shall be set to the state's current minimum wage.



2. The maximum abatement credited to an individual shall be \$750.00 per fiscal year or the maximum allowed by Chapter 184, Section 52 of the M.G.L as amended from time to time. The maximum abatement allowed per household shall be \$750.00 or the maximum allowed by Chapter 184, Section 52 of the M.G.L. as amended from time to time.
  3. The maximum number of hours worked will be determined according to the current state minimum wage.
  4. The abatements will be charges against the overlay account. No checks will be issued.
  5. Upon completion of the required hours of work service or a fraction there of an abatement in accordance with chapter 184, Section 52 of MGL, will be applied to the corresponding fiscal year's tax bill. Earned reductions must be applied to the actual tax bills for the fiscal year.
  6. The maximum abatement to any senior during a program year shall be \$750.00 per year or the maximum allowed by Chapter 184, Section 52 of the M.G.L. Applicants shall be aware that the abatement allowed is considered taxable income although the city of Woburn is not obligated to issue an IRS Form 1099 for payments less than \$600.00. The amount of the property tax abatement by the taxpayer under this program is not considered income or wages for the purposes of state income tax withholding, unemployment compensation or workmen's compensation. The IRS has ruled out that under current Federal laws the abatement amount is included in the taxpayer's gross income for both federal income tax and FICA tax purposes.
2. By deleting Paragraph H in its entirety and inserting in its place the following:

#### H. Additional Rules

1. Income limitations on eligibility shall be \$30,000.00 for single household and \$40,000.00 for a couple.
2. State the Senior Citizens Property tax Work-Off Program so no more than thirty (30) individuals participate in the program. Positions will be offered on the basis of qualification, availability, location and physical limitation. No job will require heavy physical exertion.

s/Alderman \_\_\_\_\_

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ORDERED That due to the State Election, the Regular Meeting of the City Council scheduled for November 7, 2006 will be rescheduled for November 14, 2006.

s/President Doherty

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ORDERED That the President of the City Council shall appoint three Aldermen to the committee to be known as the Ad Hoc Committee on Wildlife Control which shall investigate and make recommendations on waterfowl and other wildlife in the conservation areas of the city.

s/President Doherty

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ORDERED That the City Clerk be and is hereby directed to set up and give notice of a public hearing to be held at the Regular Meeting of the City Council on October 17, 2006 relative to the construction of traffic control signals and other street improvements at the intersection of Salem Street and Wildwood Street and that such notice include posting on the official bulletin board in city hall, publication at least once in a newspaper of general circulation in the city and by mail to the owners of land abutting the public ways at the intersection of Salem Street and Wildwood Street and the intersection of Wood Street and Wildwood Street along each street a distance of three hundred feet from the said intersections at least ten days prior to said public hearing.

s/Alderman Mercer-Bruen

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ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of a 1986 Maxim Fire truck ,a 1990 Crown Victoria motor vehicle and a 1993 Crown Victoria motor vehicle which the Fire Chief has determined are of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman \_\_\_\_\_

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RESOLVED That the Traffic Commission research and investigate the possibility of establishing a secondary means of access for motor vehicles to the Dartmouth Street neighborhood

s/Alderman Ciriello

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RESOLVED That the Traffic Commission report on the feasibility and cost estimate to install traffic control signals at the intersection of Main Street and Cross Street, that the signal should be a four-way stop with two lights on Main Street, one on Cross Street and one on Border Street in order to alleviate traffic congestion and improve pedestrian and vehicle safety at this intersection.

s/Alderman Gately

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install curbing on the south side of Carter Street from 16 Carter Street to Garfield Avenue due to the street breaking up from erosion and drainage issues.

s/Alderman Gately

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RESOLVED That the Traffic Commission adopt an Order providing for no parking on Torrice Drive.

s/Alderman Ciriello

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Motion made and 2<sup>nd</sup> to ADJOURN